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8	BEFORE THE BOARD OF REGISTERED NURSING	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	STATE OF	·
11	In the Matter of the Accusation Against:	Case No. 2010-232
12	BEVERLY ANN MINGLEE AKA BEVERLY ANN JONES	ACCUSATION
13	12223 Highland Ave., #543 Rancho Cucamonga, CA 91739	
14	Registered Nurse License No. 658367	N.
15	Respondent.	
16		,
17	Complainant alleges:	
18	<u>PARTIES</u>	
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her	
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department	
21	of Consumer Affairs.	
22	2. On or about June 2, 2005, the Board of Registered Nursing (Board) issued Registered	
23	Nurse License Number 658367 to Beverly Ann Minglee aka Beverly Ann Jones (Respondent).	
24	The Registered Nurse License was in full force and effect at all times relevant to the charges	
25	brought herein and will expire on October 31, 2010, unless renewed.	
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ACCUSATION

JURISDICTION

This Accusation is brought before the Board under the authority of the following
 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 6. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct

. . . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

REGULATORY PROVISION

7. California Code of Regulations, title 16, section 1444, states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct"

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COST RECOVERY PROVISION

8. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct/Conviction of Substantially-Related Offense)

- 9. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and (f), in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of an offense substantially related to the qualifications, functions, and duties of a registered nurse, as follows:
- a. On or about October 1, 2007, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 273a, subdivision (a) [willful harm or injury to child], in the criminal proceeding entitled *The People of the State of California v. Beverly Ann Minglee* (Super Ct. San Bernardino County, 2007, No. MWV705307). Respondent was placed on probation for four years under terms and conditions, including that Respondent attend a 52-week parenting class.
- b. The underlying circumstances of the conviction occurred on October 9, 2006. At approximately 9:40 p.m., deputies from the San Bernardino County Sheriff's Department were dispatched to Respondent's residence to check on the welfare of the occupants, based on a neighbor's report that she heard yelling and a child crying at Respondent's residence. A deputy checked Respondent's three-year-old daughter for injuries and observed a cut above the child's upper lip and bruising around the sides and font of her neck.
- c. A sheriff's deputy interviewed Respondent at the scene. Respondent made the following admissions: After Respondent found her three-year-old daughter in the kitchen, taking items out of the refrigerator and spilling them onto the floor, Respondent grabbed her daughter by the collar of her pajamas and held on as she yelled at the child. When asked about the cut above

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1	her daughter's upper lip, Respondent stated that she must have cut her daughter with her	
2	fingernail when she went to grab the child's collar.	
3	<u>PRAYER</u>	
4	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
5	and that following the hearing, the Board of Registered Nursing issue a decision:	
6	1. Revoking or suspending Registered Nurse License Number 658367 issued to	
7	Respondent.	
8	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and	
9	enforcement of this case, pursuant to Business and Professions Code section 125.3; and	
10	3. Taking such other and further action as deemed necessary and proper.	
11		
12	DATED: 10/22/00 Louise R. Bailey, M.Ed., RN/	
13	Interim Executive Officer Board of Registered Nursing	
14	Department of Consumer Affairs State of California	
15	Complainant	
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